



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK
REGIONAL OFFICE

May 24, 2023

FILED BY ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: SEC v. Scott Lindell, No. 22 Civ. 8368 (PKC) [rel No.22 Civ. 1346 (PKC)]

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (“SEC”) and Defendant Scott Lindell (“Lindell”) respectfully write to jointly request a 90-day adjournment of the Initial Pretrial Conference scheduled for June 6, 2023, in this matter. (Text Order dated April 20, 2023). The parties respectfully request that the Court adjourn the Initial Pretrial Conference for 90 days to allow the parties to continue their settlement discussions in the hopes of resolving the remedies remaining in this matter and for the parties to continue to engage in certain informal fact-gathering relevant to those discussions. The parties have previously requested and received two extensions, with the Court granting the last extension on February 2, 2023.

The bifurcated consent judgment the Court entered as to Lindell on October 6, 2022, resolved certain injunctive relief that the SEC sought but left open for later resolution by motion (or further settlement) the monetary relief and officer-and-director bar the SEC also seeks. (D.E. 10).

Currently, the SEC and Lindell are in the midst of settlement discussions that may resolve the issues remaining following the entry of the bifurcated consent judgment. Both parties have expressed an interest in a settlement and have recently engaged in discussions on proposed terms for such a resolution. In addition, the parties are engaged in certain informal fact-gathering relevant to the settlement discussions, particularly as to monetary relief. The parties therefore hope that an additional period of informal fact-gathering and settlement negotiations may eliminate the need for discovery and motion practice in this matter.

The parties thus respectfully request that the Court adjourn the Initial Pretrial Conference for 90 days. If the parties cannot reach a settlement in principle, they will propose a discovery schedule or a briefing schedule for the SEC's motion for remedies.

Respectfully submitted,

/s/ Zachary Sturges
Zachary Sturges
Senior Counsel
Division of Enforcement

cc: Counsel for Defendant (by email and ECF)